

### **Remarks**

This REPLY is in response to the Office communication mailed September 11, 2007. Applicant gratefully acknowledges the courtesy of an interview with Examiner Susanna M. Diaz on or about November 26, 2007, during the course of which the participants discussed the responses to the Requirement for Information, the substance of which are included fully herein.

#### **I. Brief Summary of Requirement for Information**

On September 11, 2007, the Examiner mailed a Requirement for Information Under 37 C.F.R. § 1.105 (hereinafter referred to as the "RFI"). In the RFI, the Examiner set forth that "[t]he Assignee of the instant application (Bea Systems, Inc.) appears to have released various versions of BEA Tuxedo Services. For example, the Examiner has located a description of BEA Tuxedo Release 7.1 on [URL: <http://edocs.bea.com/tuxedo/tux71/html/dvlibra7.htm>]. Many of the features of the claimed invention correspond to the features disclosed in the description of BEA Tuxedo Release 7.1." In light of the Examiner's questions surrounding BEA Tuxedo Services, the Examiner requested additional information regarding BEA Tuxedo and its relationship with the claimed inventions at issue herein.

#### **II. Response to Requirement for Information**

On or about November 26, 2007, an interview was conducted between Examiner Susanna M. Diaz and Applicant's representatives Joseph P. O'Malley and Rex Hwang regarding the Request for Information.

Release 1.0 of the Tuxedo™ System became available in 1984 and provided client-server facilities within a single random access memory computer. Since then, various other versions of the Tuxedo™ System have become available to the public. Nevertheless, during the interview with the Examiner, it was explained that according to co-inventor Tom Moreau, the BEA Tuxedo™ System is a completely separate product and is unrelated to the Claimed Inventions at issue herein (hereinafter referred to as the "Claimed Inventions"). Specifically, while BEA Tuxedo™ System included an event service prior to the creation of the Claimed Inventions, what it lacked was a "clean-up mechanism" to deal with "dead" subscriptions within the event service. For example, Claim 1, as currently amended, reads as follows:

1. (Currently Amended) A method for maintaining an event-based subscription by a subscriber to an events notification service, comprising the steps of:

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defining a set of best-effort delivery variables and administrative limits to be associated with a subscription to an events notification service;

subscribing to events delivered by said events notification service via said subscription;

periodically checking the delivery of said events to said subscriber during the life of said subscription in accordance with said administrative limits; and,

if said periodic checking of delivery of events indicates a failure in delivery then canceling the subscription.

Claim 1 inherently includes a subscription to an event notification service which was in the BEA Tuxedo™ System; however, it also includes a method of canceling the subscription if certain conditions are met. Accordingly, the Claimed Inventions were created to serve as a layer that could be placed on top of BEA Tuxedo™ System (or another system having an event service program) to clean-up dead subscriptions. This is how all of the Claimed Inventions can be distinguished from the BEA Tuxedo™ System.

It was also explained during the interview that the Claimed Inventions were, to the best of the co-inventors knowledge, first implemented in BEA WebLogic Enterprise 5.0. Applicant has provided a copy of the BEA WebLogic Enterprise 5.0 "Notification Service API Reference" which generally describes the "clean-up" mechanisms found in the Claimed Inventions as Exhibit A. Applicant has also provided a Press Release regarding the release date of BEA WebLogic Enterprise 5.0 which indicates that "BEA WebLogic Enterprise 5.0 will be available from BEA beginning December 22, 1990" as Exhibit B. With respect to Tuxedo 7.1, which also appears to generally describe the Claimed Inventions, Applicant has included another press release indicating that "BEA Tuxedo 7.1 is scheduled to be available beginning in calendar Q2" of 2000 as Exhibit C.

It is further noted that the inventors did not reply upon any specific publication to invent the Claimed inventions, and that no specific publications authored by the inventors were created (to the best of Mr. Moreau's knowledge) related to the Claimed Inventions.

During the course of the interview, it was asked of the Examiner whether the information provided above would be sufficient to comply with the current Requirement for Information. The Examiner indicated that it would be.

### III. Conclusion

In view of the foregoing response, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including the fee for extension of time.

Respectfully submitted,

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